

ENTERED

October 07, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**Landscape Consultants of Texas,
et. al.,*Plaintiffs,*

v.

City of Houston, et al.,
Defendants.§
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Civil Action H-23-3516

ORDER

Pending before the court is the City of Houston's Motion for Protective Order and Motion to Quash. ECF No. 58. The motion is **GRANTED**.

In a previous order, the court required the City of Houston to produce a copy of the draft disparity study that the City had commissioned, but never adopted. ECF No. 56. During the hearing on the motion seeking production of the report, the court explained that it was interested in both parties having access to the contents of the draft study. August 16, 2024 Hearing Recording at 1:30.¹ The court explained that, if the draft study opened up other areas of inquiry, the parties and the court could deal with those matters separately. *Id.* 2:40. The court was concerned about preventing Plaintiffs from presenting arguments about the contents of the study by disallowing its production. *Id.* 4:00. It was never the court's intention to allow free-ranging discovery into the origins and demise of the draft

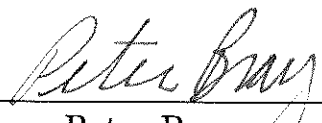
¹ There is no transcript of the recording on the record. The court listened to the recording of the hearing and the citations herein are to the approximate minutes and seconds of elapsed time on the recording (not the time of day).

study without a showing that it bore some relevance to the claims in the case.

In response to the instant Motion, Plaintiffs do not discuss the contents of the study at all or even suggest that it supports their claims. Instead, Plaintiffs request depositions about, among other things, why the study was commissioned and why it was abandoned. The court fails to see how those things could be relevant absent some showing that the preliminary findings of the study have some bearing on this case. As the court explained in the previous hearing, if Plaintiffs are right about the draft study, the City may have “shut down” a study it “did not like.” August 16, 2024 Hearing Transcript at 1:15. If true, that action could have some bearing on the claims and defenses in this case. But Plaintiffs do not say a single word about what the draft study says. Thus, there is no basis on which the court can conclude that the City decommissioned a study that appeared to be headed in a direction it did not favor. Accordingly, Plaintiffs have not presented any justification for further discovery into the origin or termination of the study.

The motion for protection and to quash is **GRANTED**.

Signed at Houston, Texas, on October 7, 2024.



Peter Bray
United States Magistrate Judge